

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JUN - 8 2012

Clerk U.S. District & Bankruptcy
Courts for the District of Columbia

WILLIAM T. VOLLMANN

2090 Eighth Avenue
Sacramento, CA 95818,

Plaintiff,

v.

DEPARTMENT OF JUSTICE

950 Pennsylvania Avenue, N.W.
Washington DC 20530,

and

CENTRAL INTELLIGENCE AGENCY

Washington, DC 20505,

Defendants.

Case: 1:12-cv-00939

Assigned To : Wilkins, Robert L.

Assign. Date : 6/8/2012

Description: FOIA/Privacy Act

COMPLAINT FOR INJUNCTIVE RELIEF

1. This is an action under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. Plaintiff seeks injunctive and other appropriate relief for the processing and release of agency records requested by plaintiff from defendants Department of Justice and Central Intelligence Agency. Defendants have wrongfully withheld the requested records.

Jurisdiction and Venue

2. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 U.S.C. §§ 552(a)(4)(B). This Court also has jurisdiction over this action pursuant to 28 U.S.C. § 1331. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B).

Parties

3. Plaintiff William T. Vollmann is a citizen of the United States and a resident of California.

4. Defendant Department of Justice (“DOJ”) is a Department of the Executive Branch of the United States Government. DOJ is an “agency” within the meaning of 5 U.S.C. § 552(f). The Federal Bureau of Investigation (“FBI”) is a component of defendant DOJ.

5. Defendant Central Intelligence Agency (“CIA”) is component of the Executive Branch of the United States Government. CIA is an “agency” within the meaning of 5 U.S.C. § 552(f).

Plaintiff’s FOIA Request to Defendant DOJ

6. On or about September 13, 2011, a FOIA request was submitted on plaintiff’s behalf to defendant DOJ’s component, the FBI. The request sought access to “all records” in the possession of the FBI concerning plaintiff. The request was accompanied by a copy of “Form DOJ-361,” titled “Certificate of Identity” and executed by plaintiff.

7. By letter dated October 3, 2011, the FBI acknowledged receipt of plaintiff’s FOIA request.

8. By letter dated April 9, 2012, the FBI responded to plaintiff’s FOIA request and stated that 353 pages of material were reviewed and 182 pages of material were being released. Many of the released pages indicated that information had been redacted. The FBI stated that its determination could be appealed to defendant DOJ’s Office of Information Policy.

9. By letter from counsel dated April 20, 2012, plaintiff submitted an appeal of the FBI's determination to defendant DOJ's Office of Information Policy.

10. By letter to plaintiff's counsel dated April 30, 2012, defendant DOJ's Office of Information Policy acknowledged that it received plaintiff's appeal letter on April 20, 2012.

11. To date, defendant DOJ has not responded to plaintiff's FOIA appeal, as required by 5 U.S.C. § 552(a)(6)(A)(ii).

12. Defendant DOJ has violated the applicable statutory time limit for rendering a determination of plaintiff's FOIA appeal.

13. Plaintiff has exhausted the applicable administrative remedies.

14. Defendant DOJ has wrongfully withheld the requested records from plaintiff.

Plaintiff's FOIA Request to Defendant CIA

15. On or about September 19, 2011, a FOIA request was submitted on plaintiff's behalf to defendant CIA. The request sought access to "all records" in the possession of defendant CIA concerning plaintiff.

16. By letter dated October 6, 2011, defendant CIA acknowledged receipt of plaintiff's FOIA request. Defendant CIA stated that it received plaintiff's FOIA request on September 27, 2011.

17. To date, defendant CIA has not responded to plaintiff's FOIA request, as required by 5 U.S.C. § 552(a)(6)(A)(i).

18. Defendant CIA has violated the applicable statutory time limit for the processing of plaintiff's FOIA request.

19. Plaintiff has exhausted the applicable administrative remedies.

20. Defendant CIA has wrongfully withheld the requested records from plaintiff.

CAUSES OF ACTION

Defendant DOJ's Violation of the Freedom of Information Act for Wrongful Withholding of Agency Records

21. Plaintiff repeats and realleges paragraphs 1-14.

22. Defendant DOJ has wrongfully withheld agency records requested by plaintiff by failing to comply with the statutory time limits for rendering determinations on appeals submitted under the FOIA.

23. Plaintiff has exhausted the applicable administrative remedies with respect to defendant DOJ's wrongful withholding of the requested records.

24. Plaintiff is entitled to injunctive relief with respect to the release and disclosure of the requested records.

Defendant CIA's Violation of the Freedom of Information Act for Wrongful Withholding of Agency Records

25. Plaintiff repeats and realleges paragraphs 1-5 and 15-20.

26. Defendant CIA has wrongfully withheld agency records requested by plaintiff by failing to comply with the statutory time limits for the processing of requests submitted under the FOIA.

27. Plaintiff has exhausted the applicable administrative remedies with respect to defendant CIA's wrongful withholding of the requested records.

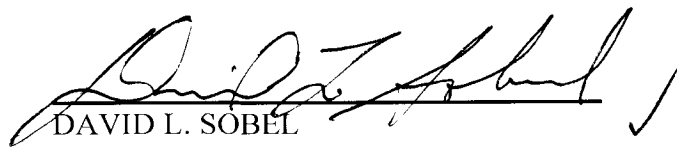
28. Plaintiff is entitled to injunctive relief with respect to the release and disclosure of the requested records.

Requested Relief

WHEREFORE, plaintiff prays that this Court:

- A. order defendants DOJ and CIA to process immediately the requested records in their entirety;
- B. order defendants DOJ and CIA, upon completion of such processing, to disclose the requested records in their entirety and make copies available to plaintiff;
- C. provide for expeditious proceedings in this action;
- D. award plaintiff his costs and reasonable attorneys fees incurred in this action; and
- E. grant such other relief as the Court may deem just and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David L. Sobel", is written over a horizontal line. To the right of the signature is a checkmark.

DAVID L. SOBEL
D.C. Bar No. 360418
1818 N Street, N.W., Suite 410
Washington, DC 20036
(202) 246-6180

Counsel for Plaintiff